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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

GOOGLE INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 EOLAS TECHNOLOGIES INCORPORATED, )  
 )  
 Defendant. )  
 )  
 )  
 )  
 )  
 )

Case No. 3:15-cv-05446-JST  
**JOINT STIPULATION AND  
[PROPOSED] ORDER EXTENDING  
HEARING**  
Judge: Hon. Jon S. Tigar

MCKOOL SMITH, P.C.  
AUSTIN, TX

1 Pursuant to Civil Local Rules 6-2 and 7-12, Defendant Eolas Technologies Incorporated  
2 (“Eolas”) and Plaintiff Google Inc. (“Google”), by and through their respective attorneys, hereby  
3 submit the following Joint Stipulation, as follows:

4 WHEREAS, on December 1, 2015, Google served its complaint upon Eolas;

5 WHEREAS, on December 4, 2015, this Court set the Case Management Conference for  
6 February 23, 2016;

7 WHEREAS, on December 15, 2015, the parties filed a stipulation to extend the deadline for  
8 Eolas to answer or otherwise respond to Google’s complaint to January 21, 2016;

9 WHEREAS, on January 5, 2016, this Court granted the parties’ stipulation;

10 WHEREAS, on January 20, 2016, Google filed a first amended complaint;

11 WHEREAS, on January 25, 2016, this Court reset the Case Management Conference for  
12 February 24, 2016;

13 WHEREAS, on February 8, 2016, Eolas filed a motion to dismiss Google’s complaint,  
14 scheduled for hearing by this Court on April 21, 2016;

15 WHEREAS, on February 8, 2016, Eolas filed an administrative motion for relief from the  
16 notice and order setting initial Case Management Conference, for continuance of the Case  
17 Management Conference, and to stay any discovery;

18 WHEREAS, on February 17, 2016, this Court granted in part and denied in part Eolas’s  
19 administrative motion, resetting the Case Management Conference for April 21, 2016;

20 WHEREAS, on February 22, 2016, the parties jointly moved the Court to extend the time for  
21 Google to file its opposition to Eolas’s Motion to Dismiss Google’s Complaint to March 4, 2016,  
22 and for Eolas to file its reply to Google’s opposition to March 14, 2016, and the Court granted the  
23 parties’ motion;

24 WHEREAS, on March 7, 2016, the parties jointly moved the Court to extend the time for  
25 Eolas to file its reply to Google’s opposition to Eolas’s Motion to Dismiss Google’s Complaint to  
26 March 17, 2016, and the Court granted the parties’ motion;

27 WHEREAS, on April 11, 2016, the parties jointly moved the Court to move the initial Case  
28 Management Conference, currently set for April 21, 2016, to May 26, 2016, but inadvertently

1 omitted an explicit request to move the hearing on Eolas' Motion to Dismiss. The Court denied the  
2 parties' motion without prejudice to refile to address the Motion to Dismiss hearing as well;

3 WHEREAS, on April 14, 2016, the parties jointly moved the Court to move the initial Case  
4 Management Conference and the hearing on Eolas's Motion to Dismiss to June 16, 2016, and the  
5 Court granted the parties' motion;

6 WHEREAS, on June 16, 2016, the Court granted Eolas's Motion to Dismiss with  
7 modifications and ordered the parties to notify the Court upon receiving a ruling from the Texas  
8 Court on Google's Motion to Transfer Venue to the Northern District of California in *Eolas*  
9 *Technologies Incorporated v. Google Inc.*, Civil Action No. 6:15-cv-01039-RWS (E.D. Tex.) (the  
10 "Texas Case");

11 WHEREAS, on November 4, 2016, the parties jointly notified the Court that the Texas Court  
12 denied Google's Motion to Transfer Venue to the Northern District of California in the Texas Case;

13 WHEREAS, on November 7, 2016, the Court issued an order setting a Case Management  
14 Conference for January 18, 2017 on why the instant case should not be transferred to the Eastern  
15 District of Texas under the first-to-file rule.

16 WHEREAS, on December 7, 2016, Google filed a petition for a writ of mandamus  
17 challenging the denial of Google's Motion to Transfer Venue to the Northern District of California  
18 in the Texas Case;

19 WHEREAS, Google's mandamus petition, which is now fully briefed, remains pending;

20 WHEREAS, the parties have conferred and agreed to request that the hearing currently set  
21 for January 18, 2017 be extended to March 1, 2017;

22 WHEREAS, no other deadlines will be affected;

23 NOW THEREFORE, IT IS HEREBY STIPULATED AND THE PARTIES JOINTLY  
24 REQUEST that the hearing date be extended to **March 1, 2017**.

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DATED: December 30, 2016

Respectfully submitted,

MCKOOL SMITH, P.C.

By /s Jennifer Van Dusen

Jennifer Van Dusen

*Attorneys for Eolas Technologies Incorporated*

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By /s David A. Perlson

David A. Perlson

*Attorneys for Google Inc.*

1 **SIGNATURE ATTESTATION**

2 I, Jennifer Van Dusen, am the ECF user whose userid and password authorized the filing of  
3 this document. Under Civil L.R. 5-1(i)(3), I attest that David A. Perlson has concurred in this filing.

4 DATED: December 30, 2016

/s/ Jennifer Van Dusen


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9 **[PROPOSED] ORDER**

10 Defendant Eolas Technologies Incorporated and Plaintiff Google Inc. have stipulated to  
11 request an extension of the hearing scheduled for January 18, 2017 until March 1, 2017.

12 The requested extension is GRANTED. The hearing scheduled for January 18, 2017 has  
13 been rescheduled to March 1, 2017.

14  
15 PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

16  
17 DATED: January 3, 2017

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20 Honorable Jon S. Tear  
21 United States District Judge  
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McKool Smith, P.C.  
Austin, TX